

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RUSSELL TORRES,

Defendant.

CR 22-07-M-DWM

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on April 13, 2022. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

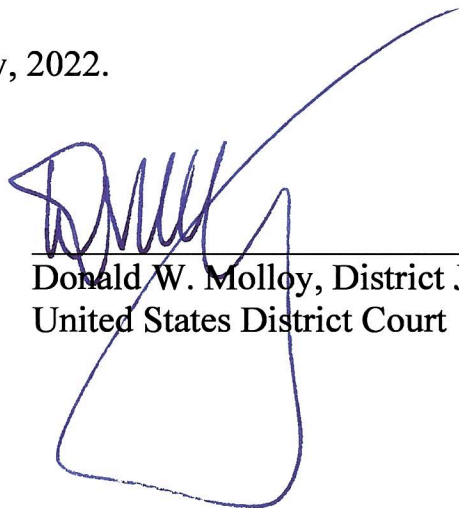
Judge DeSoto recommended this Court accept Michael Russell Torres’s guilty plea after Torres appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to two counts of prohibited person in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1) as set forth in the Superseding Information filed against him. Defendant further agrees to the forfeiture allegation in the Superseding Information.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 36), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Michael Russell Torres's motion to change plea (Doc. 26) is GRANTED. Michael Russell Torres is adjudged guilty as charged in Counts 1 and 2 of the Superseding Information.

DATED this 5<sup>th</sup> day of May, 2022.



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Donald W. Molloy, District Judge  
United States District Court